THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No.7659 of 2006

DATED: 20.4.2006

Between:

B.Vikranth petitioner

and

B.Rajamma and others respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No.7659 of 2006

ORAL ORDER:

The petitioner filed this writ petition seeking to declare the action of respondents 3 to

5 in releasing death benefits of his father to the first respondent, as illegal and arbitrary and consequently, direct them to release death monetary benefits in favour of the legal heirs of his father.

According to the petitioner, while working as Lineman in the office of the fifth respondent, his father died on 15-12-2001 leaving himself, his brother and his sister as legal heirs. After death of their father, terminal benefits and pension etc., are pending before the fifth respondent. While so, the first respondent, who is claiming as second wife of their father, filed LAC.No.113 of 2003 before the Lok Adalat at Tenali. The second respondent, who is his sister, colluded with the first respondent and compromised the matter without his knowledge.

He contends that the first respondent is in no way concerned to claim death benefits of his father, and that respondent Nos.3 to 5 are trying to disburse the death monetary benefits of his father in favour of the first respondent. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the official respondents.

Whether the petitioner is a legal heir or not and whether respondent No.1 is the second wife of his father or whether respondent No.1 and respondent No.2 colluded for receiving the death monetary benefits of his father, are all disputed questions of fact, which can be decided only by a civil Court of competent jurisdiction. This Court cannot determine such rights of the parties under Article 226 of the Constitution of India, since the petitioner has an efficacious remedy of filing a civil suit by approaching civil Court or any other competent forum for declaration of his rights.

Hence, the writ petition is dismissed. At this stage, the learned counsel for the petitioner submitted that the petitioner has submitted a representation to the fifth respondent stating that he is the legal heir of his deceased father and he is entitled to receive the death monetary benefits of his father. If any such representation is pending, the fifth respondent shall consider and dispose of the same, expeditiously. There shall be no order as to costs.

_____

(N.V.RAMANA, J)

20th APRIL, 2006.

kvni

_